

## § 146.15

## 40 CFR Ch. I (7–1–07 Edition)

(5) The procedure to be used to meet the requirement of §146.10(c).

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 46 FR 43162, Aug. 27, 1981; 48 FR 14293, Apr. 1, 1983]

### **§ 146.15 Class I municipal disposal well alternative authorization in certain parts of Florida.**

(a) Existing Class I municipal disposal wells in specific geographic regions as defined in paragraph (f) of this section may continue to inject without violating the regulatory prohibitions in Parts 144 and 146 of this chapter against the movement of injection or formation fluids into a USDW, provided that such wells meet the requirements of this section, even if the Director determines they have caused or may cause fluid movement into a USDW. Nothing in this section excuses such Class I municipal disposal wells from meeting all other applicable State and Federal requirements including 40 CFR 144.12(a).

(b) For purposes of this section, an existing Class I municipal disposal well is defined as a well for which a complete UIC construction permit application was received by the Director on or before December 22, 2005.

(c) For purposes of this section, the determination that a Class I municipal disposal well has caused or may cause movement of injection or formation fluids into a USDW may be made by the Director based on any relevant data available to him/her, including ground water monitoring data generated pursuant to regulatory requirements governing operation of Class I municipal disposal wells.

(d) In order for a Class I municipal disposal well to qualify for authorization to inject pursuant to paragraph (a) of this section, the Owner/Operator of that well shall:

(1) Develop and implement a pretreatment program that is no less stringent than the requirements of Chapter 62–625, Florida Administrative Code, or have no significant industrial users as defined in that chapter.

(2) Treat the injectate using secondary treatment in a manner that is no less stringent than the requirements of Florida Rule 62–600.420(1)(d), and using high-level disinfection in a manner that is no less stringent than the requirements of Florida Rule 62–600.440(5)(a)–(f), within five years after notification by the Director that the well has caused or may cause fluid movement into a USDW.

(e) Where the Director issued such notice for a well prior to December 22, 2005, in order for that well to qualify for authorization to inject pursuant to paragraph (a) of this section, the Owner/Operator shall:

(1) Develop and implement a pretreatment program that is no less stringent than the requirements of Chapter 62–625, Florida Administrative Code, or have no significant industrial users as defined in that chapter; and

(2) Treat the injectate using secondary treatment in a manner that is no less stringent than the requirements of Florida Rule 62–600.420(1)(d), and using high-level disinfection in a manner that is no less stringent than the requirements of Florida Rule 62–600.440(5)(a)–(f), within five years after December 22, 2005.

(f) Authorization to inject wastewater into existing Class I municipal disposal wells pursuant to this section is limited to Class I municipal disposal wells in Florida in the following counties: Brevard, Broward, Charlotte, Collier, Flagler, Glades, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, St. Johns, St. Lucie, Sarasota, and Volusia.

[70 FR 70531, Nov. 22, 2005]

### **§ 146.16 Requirements for new Class I municipal wells in certain parts of Florida.**

Prior to commencing injection, any Class I municipal disposal well in one of the counties identified in §146.15(f) that is not an existing Class I municipal disposal well as defined in §146.15(b) of this section shall meet all of the requirements for existing wells

## Environmental Protection Agency

## § 146.22

seeking authorization to inject pursuant to §146.15.

[70 FR 70532, Nov. 22, 2005]

### Subpart C—Criteria and Standards Applicable to Class II Wells

#### § 146.21 Applicability.

This subpart establishes criteria and standards for underground injection control programs to regulate Class II wells.

#### § 146.22 Construction requirements.

(a) All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review.

(b)(1) All Class II injection wells shall be cased and cemented to prevent movement of fluids into or between underground sources of drinking water. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

- (i) Depth to the injection zone;
  - (ii) Depth to the bottom of all USDWs; and
  - (iii) Estimated maximum and average injection pressures;
- (2) In addition the Director may consider information on:
- (i) Nature of formation fluids;
  - (ii) Lithology of injection and confining zones;
  - (iii) External pressure, internal pressure, and axial loading;
  - (iv) Hole size;
  - (v) Size and grade of all casing strings; and
  - (vi) Class of cement.

(c) The requirements in paragraph (b) of this section need not apply to existing or newly converted Class II wells located in existing fields if:

- (1) Regulatory controls for casing and cementing existed for those wells at the time of drilling and those wells are in compliance with those controls; and
- (2) Well injection will not result in the movement of fluids into an under-

ground source of drinking water so as to create a significant risk to the health of persons.

(d) The requirements in paragraph (b) of this section need not apply to newly drilled wells in existing fields if:

(1) They meet the requirements of the State for casing and cementing applicable to that field at the time of submission of the State program to the Administrator; and

(2) Well injection will not result in the movement of fluids into an underground source of drinking water so as to create a significant risk to the health of persons.

(e) Where a State did not have regulatory controls for casing and cementing prior to the time of the submission of the State program to the Administrator, the Director need not apply the casing and cementing requirements in paragraph (b) of this section if he submits as a part of his application for primacy, an appropriate plan for casing and cementing of existing, newly converted, and newly drilled wells in existing fields, and the Administrator approves the plan.

(f) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class II wells. A descriptive report interpreting the results of that portion of those logs and tests which specifically relate to (1) an USDW and the confining zone adjacent to it, and (2) the injection and adjacent formations shall be prepared by a knowledgeable log analyst and submitted to the director. At a minimum, these logs and tests shall include:

(1) Deviation checks on all holes constructed by first drilling a pilot hole and then enlarging the pilot hole, by reaming or another method. Such checks shall be at sufficiently frequent intervals to assure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling.

(2) Such other logs and tests as may be needed after taking into account the availability of similar data in the area of the drilling site, the construction plan, and the need for additional information that may arise from time to time as the construction of the well progresses. In determining which logs